

- B
C&JH*
27. The computer program product as recited in claim 10 wherein said perceivable stimulus is dependent upon criteria of an ambient proximate to said product.--

REMARKS

Favorable reconsideration of this application is requested in view of the foregoing amendments and the following remarks. Claims 1-7, 9-14, 16-20 and 21-27 are pending. Claims 21-27 are newly presented.

The term "predeetermined" has been removed from the claims. The term "step(s)" has been removed from the claims. The phrase "short term memory" has been removed from the claims. The removal of this terminology makes the claims broader.

Support for the limitation of "an interactive consumer stimulus" is found at page 5, lines 24-26 of the application as originally filed. Support for new claims 21-22 is found in originally filed claims 8 and 14, respectively. Support for new claims 23-25 is found at page 5, lines 24-26 of the application as originally filed where the use of a UPC is explicitly recited. Support for new claims 26-27 is found in originally filed claim 4. The amendment does not add new matter.

Claims 1, 2, 4-6, 10-12, and 16-18 are rejected under 35 U.S.C. 102(a) as being anticipated by Harrison, III et al. (U.S. 5,642,484). With respect to the claims as amended, this rejection is untenable.

The presently amended claims require an interactive consumer stimulus. The interactive consumer stimulus includes the perceivable stimulus. Some embodiments of the invention include querying for information on something for which an identifying code has been input.

B

Harrison does not disclose or suggest an interactive consumer stimulus that includes a perceivable stimulus. The presently claimed invention is not disclosed or suggested by Harrison because Harrison does not describe or teach an interactive consumer stimulus that includes a perceivable stimulus.

Accordingly, withdrawal of this rejection is respectfully requested.

Claims 3, 7, 13, 14, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison, III et al. (U.S. 5,642,484) in view of Fite et al. (U.S. 5,557,721). With respect to the claims as amended, this rejection is untenable.

As noted above, Harrison does not disclose or suggest an interactive consumer stimulus that includes a perceivable stimulus. Similarly, Fite does not disclose or suggest an interactive consumer stimulus that includes a perceivable stimulus. The presently claimed invention is not disclosed or suggested by Harrison and/or Fite because these references do not describe or teach an interactive consumer stimulus that includes a perceivable stimulus. Claims 3, 7, 13, 14, 19 and 20 also includes additional limitations and are, therefore, considered independently patentable.

Accordingly, withdrawal of this rejection is respectfully requested.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Harrison, III et al. (U.S. 5,642,484). With respect to the claims as amended, this rejection is untenable.

As noted above, Harrison does not disclose or suggest an interactive consumer stimulus that includes a perceivable stimulus. The subject matter of claim 9 is not disclosed or suggested by Harrison because Harrison does not describe or teach an interactive consumer stimulus that includes a perceivable stimulus. Claim 9 also includes additional limitations and is, therefore, considered independently patentable

(B)

Accordingly, withdrawal of this rejection is respectfully requested.

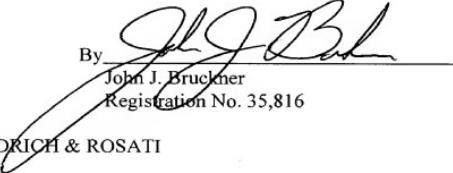
Other than as explicitly set forth above, this reply does not include acquiescence to any statements by the Examiner. In view of the above, the claims are considered allowable and favorable action is requested. In the event that there are any remaining issues, the attending to of which would expedite the allowance of this application, the Examiner is invited to contact the undersigned for prompt action at the telephone number appearing below.

The Commissioner is hereby authorized to charge payment of any deficiency or credit any overpayment to Deposit Account No. 23-2415

Respectfully submitted,

WILSON SONSINI GOODRICH & ROSATI

By


John J. Bruckner
Registration No. 35,816

WILSON, SONSINI, GOODRICH & ROSATI
650 Page Mill Road
Palo Alto, CA 94304-1050
Telephone (650) 493-9300
Facsimile (650) 493-9300

Dated: May 16, 2000

(B)